

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA**

GRADY O. HUMPHREYS, et al.,)	
)	
Plaintiffs,)	CIVIL ACTION NO.
)	2:07-CV-607-WKW
vs.)	
)	
ASBESTOS DEFENDANTS:)	
)	
A.O. SMITH ELECTRICAL PRODUCTS)	
COMPANY, a division of A.O. SMITH)	
CORPORATION, et al.,)	
)	
Defendants.)	

**SQUARE D COMPANY’S JOINDER IN MOVING DEFENDANTS’ MOTION
FOR PARTIAL SUMMARY JUDGMENT AND BRIEF IN SUPPORT OF
MOTION FOR PARTIAL SUMMARY JUDGMENT**

COMES NOW Defendant, SQUARE D COMPANY (“SQUARE D”), for itself and, to the extent necessary, on behalf of a purported party Defendant¹ incorrectly designated as "Schneider Electric Industries, S.A.S., North American Division" (a fictitious name that does not exist as an entity under the laws of any state or foreign jurisdiction), by and through its attorneys of record, and hereby joins in and adopts by reference as if set forth fully herein, the Motion for Partial Summary Judgment (Doc. 244) and the Brief Supporting the Motion for Partial Summary Judgment (Doc. 245) filed on behalf of Moving Defendants, BORG

¹The summons for “Schneider Electric Industries, S.A.S., North American Division” was served on Square D Company at its principal place of business in Palatine, Illinois. Although Square D Company is listed as a Defendant in this case, service of a summons addressed specifically to Square D Company has apparently not yet been attempted or made. Nonetheless, inasmuch as “Schneider Electric” is, among others, a brand name used by Square D Company and because “Schneider Electric Industries, S.A.S., North American Division” is not a legal entity capable of being sued, Square D Company hereby responds to this suit pursuant to Rules 8 and 9 of the *Federal Rules of Civil Procedure*; nonetheless, to the extent that it may ultimately be determined that this position misapprehends the circumstances or is otherwise in error based on law or on fact, all Rule 12 defenses are hereby specifically reserved.

WARNER MORSE TEC, INC.; EXTECO, INC. F/K/A THERMO ELECTRIC CO., INC.,
AND THE MARLEY-WYLAIN COMPANY D/B/A WEIL-MCLAIN COMPANY, INC.

s/Edward B. McDonough, Jr.
Edward B. McDonough, Jr. (MCDOE0149)
Gary W. Fillingim (FILLG1161)
Attorneys for Defendant,
SQUARE D COMPANY

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on June 11th, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record in this case.

s/Edward B. McDonough, Jr.
Edward B. McDonough, Jr.